



031904

22713 U.S. PTO

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 42P2737C4

First Inventor David Bistry, et al.

Title Emptying Packed Data State During Execution of Packed Data Instructions

Express Mail Label No. EL617209324US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 108]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 20]
5. Oath or Declaration (signed) [Total Pages 5]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. § 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment ☒ Application Amended
to Reflect Claim of Priority
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

13441 U.S. PTO
10/805609

031904

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/785,303Prior application Information: Examiner Daniel H. Pan Group/Art Unit: 2183

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number

08791

or ☒ Correspondence address belowName Daniel M. DeVos
Blakely, Sokoloff, Taylor & Zafman LLP

Address 12400 Wilshire Boulevard, 7th Floor

| | | | | | |
|---------|-------------|-----------|----------------|----------|----------------|
| City | Los Angeles | State | California | Zip Code | 90025 |
| Country | USA | Telephone | (408) 720-8300 | Fax | (408) 720-8383 |

Name (Print/Type) Daniel M. DeVos

Registration No. (Attorney/Agent) 37,813

Signature

Date 3/19/09

Based on PTO/SB/05 (01-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/10/2004.

SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

22713 U.S. PTO

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$) **824.00****Complete if Known**

| | |
|----------------------|---------------|
| Application Number | |
| Filing Date | |
| First Named Inventor | David Bistry |
| Examiner Name | Daniel H. Pan |
| Art Unit | 2183 |
| Attorney Docket No. | 42P2737C4 |

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account

Deposit
Account
Number

02-2666

Deposit
Account
Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|--------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | 770.00 |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) 770.00 |

2. EXTRA CLAIM FEES

Total Claims: 23 - 20* = 3 x 18.00 = \$54.00
 Independent Claims: 3 - 3* = 0 x 86.00 = \$0.00
 Multiple Dependent

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|---|-------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 | |
| 1203 | 290 | 2203 | 145 | Multiple Dependent claim, if not paid | |
| 1204 | 86 | 2204 | 43 | **Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$) 54.00 |

**or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------------|----------|--------------|----------|--|-------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 1,210 | 2255 | 605 | Extension for reply within fifth month | |
| 1404 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 1809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | | | |
| SUBTOTAL (3) | | | | | (\$) |

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)

Daniel M. DeVos

Registration No.
(Attorney/Agent)

37,813

Complete (if applicable)

Telephone

(408) 720-8300

Signature

Date

3/15/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : Confirmation No.
First Named : David Bistry
Inventor
Filed :
TC/A.U. : Emptying Packed Data Art Unit No. 2183
State During Execution of
Packed Data Instructions
Examiner : Daniel H. Pan
Docket No. : 42P2737C4
Customer No. : 08791

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATIONS OF RELATED LITIGATION
UNDER MPEP § 2001.06 (C)

Examiner:

U.S. Patent No. 5,701,508 (which issued based on a parent of this application) and 5,835,748 (which has the same specification as this application) were subject of litigation (United States District Court, Western District of Texas, Austin Division, Civil Action No. A-01-CA-602; captioned *Via Technologies, Inc. and Centaur Technology, Inc. v. Intel Corporation*). In addition, the foreign counterpart of U.S. Patent No. 5,701,508 was the subject of litigation in Great Britain, Hong Kong, and Taiwan. All of this litigation has now settled. Applicant submits herewith an IDS containing certain of the pleading and references relied on in this litigation¹, including:

| |
|--|
| Keith Diefendorff, et al., "Organization of the Motorola 88110 Superscalar RISC Microprocessor", IEEE Micro, pgs. 40-63, April 1992. |
| R.D. Dixon, "A Stack-Frame Architecture Language Processor", The Journal of Forth Application and Research, Proceedings of the 1987 Rochester Forth Conference, Volume 5, Number 1, pp. 11-25. |
| Linley Gwennap, "UltraSparc Adds Multimedia Instructions, Other New Instructions Handle Unaligned and Little-Endian Data", Microprocessor Report, pgs. 16-18, December 5, 1994. |
| L. Kohn, et al., "The Visual Instruction Set (VIS) in UltraSPARC™", IEEE Computer Society Press, pgs. 462-469, Los Alamitos, California, 1995. |

¹ The Taiwan counterpart has a later priority date than U.S. Patent No. 5,701,508. As a result, in the Taiwan litigation, different references were identified that have a publication date later than the priority date of this U.S. application. As such, these pleadings and references are not being submitted herewith.

Of course, there are additional materials beyond what is being submitted. If any such additional materials are desired, Applicant will make its best effort to provide such documents upon request. It should be noted that Via Parties' confidential information has been redacted from these materials.

In order to aid the Examiner, Applicant provides below a description of the documents submitted.

U.S. Litigation

As discussed in the original Notifications of Related Litigation, *Via Technologies, Inc., Centaur Technology, Inc. and Via Cyrix, Inc.* (collectively Via Parties) alleged that the '508 and '748 patents are invalid², and Intel denied such allegations and replied to each.³

Applicant draws the Examiner's attention to "The Via Parties' Notice Under 35 USC §282" of March 7, 2003 that identifies on pages 7-19 a very large number of sources of information that the Via Parties were considering relying on to support their allegations. Since only selected ones of the large number of items listed in that document were ultimately relied upon in Via Parties' expert reports and since such items are attached as exhibits to those reports, Applicant has opted to submit herewith these reports (see below) as opposed to each of these references individually. Specifically, Applicant draws the Examiner's attention to the Via Parties' submission of the "Expert Report of Harold Stone (2)" of March 17, 2002 and to Intel's submission of the "Rebuttal Expert Report Of Dr. V. Thomas Rhyne Regarding The Validity Of U.S. Patent Nos. 5,701,508, 5,835,748, and 5,201,043" of March 24, 2002. If any additional materials identified in these documents are desired, Applicant will make its best effort to provide such documents upon request.

² Each filed replies to Intel's counterclaims of May 16, 2002(US). Since they are duplicative in nature, Applicant has included one in the attached IDS (Centaur's Reply to Intel's Counterclaims of May 16, 2002; dated May 31, 2002) and directs the Examiner's attention to pages 8-10. See also "Via's And Centaur's Short Statement Regarding Their Non-Infringement and Invalidity Defenses" Of January 24, 2002 And "The Via Parties' Second Supplemental Response To Intel's Interrogatory (No. 3) And Third Supplemental Response To Intel's Interrogatory (No. 6)" of March 7, 2003.

The Via Parties filed a Motion for Summary Judgment alleging that the '748 patent was invalid for failure to disclose the best mode.⁴ However, Intel successfully opposed the motion⁵ and an order denying the motion was entered on March 31, 2003.⁶

Great Britain and Hong Kong Litigation

In addition, certain foreign counterparts of US Patent Number 5,701,508 were the subject of corresponding litigation in Great Britain (UK Patent No. 2 326 494), Hong Kong (Hong Kong Standard Patent No.1016711), and Taiwan.

In Great Britain and Hong Kong, references have similarly been identified⁷.

Applicant has submitted herewith opening and closing skeletal arguments of Intel⁸ and the Via Parties.⁹ Applicant also submits the expert reports of Intel¹⁰ and the Via Parties.¹¹ In addition, Applicant submits a collection of documents referred to as "Bundle X Exhibits Produced At Trial" containing, as the name suggests, the exhibits that were produced during the UK litigation. Applicant draws the Examiner's attention to those sections of these documents dealing with UK Patent No. 2,326,494, which is the foreign counterpart to U.S. Patent No. 5,701,508.

Applicant would point out that both the U.S. and UK litigation were proceeding in parallel, and therefore address the same and/or similar issues.

³ For instance, see "Reply of Intel to Centaur's Counterclaim" of June 13, 2002.

⁴ See "The Via Parties' Motion For Summary Judgment That U.S. Patent No. 5,835,748 Is Invalid For Failure To Disclose The Bus Mode" of March 17, 2003 and "The Via Parties' Reply To Intel's Opposition To The Via Parties' Motion For Summary Judgment That U.S. Patent No. 5,835,748 Is Invalid For Failure To Disclose The Best Mode" of March 27, 2003.

⁵ See "Intel's Opposition To The Via Parties' Motion For Summary Judgment Of Invalidity Of U.S. Patent No. 5,835,748 Based On Best Mode" of March 24, 2003.

⁶ See Order dated March 31, 2003.

⁷ For Great Britain, Applicant directs the Examiner's attention to the following in the attached IDS: Defence and Counterclaim starting at 19 and Particulars of Objections starting at page 2; both dated December 12, 2001. For Hong Kong, Applicant directs the Examiner's attention to the following in the attached IDS: Particulars of Objections; dated December 27, 2002.

⁸ See "Intel's Opening Skeletal Argument" of February 25, 2003 and "Intel's Closing Skeletal Argument" of February 13, 2003.

⁹ See "Defendants' Opening Skeletal Argument" of January 27, 2003 and "Defendants' Closing Skeletal Argument" of February 13, 2003.

¹⁰ See "Expert Report of Michael David May" of December 20, 2002 and "Expert Report of Michael David May Exhibits."

¹¹ See "Experts' Report of Simon Richard Jones" of December 20, 2002.

Finally, Applicant includes an Order of February 3, 2002 giving Intel leave to amend the specification of UK Patent No. 2,326494.

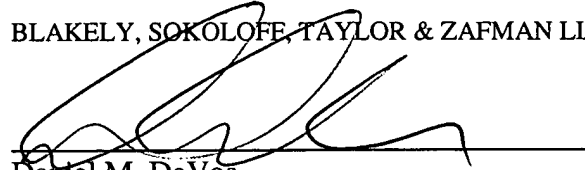
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 3/19, 2004



Daniel M. DeVos

Reg. No. 37,813

12400 Wilshire Boulevard

Seventh Floor

Los Angeles, California 90025-1026

(408) 720-8300